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Security Council Committee established pursuant to resolution 1718 (2006)

Note verbale dated 1 June 2018 from the Permanent Mission of Switzerland to the United Nations addressed to the Chair of the Committee

The Permanent Mission of Switzerland to the United Nations presents its compliments to the Chair of the Security Council Committee established pursuant to resolution 1718 (2006) and has the honour to transmit the report prepared by Switzerland pursuant to Security Council resolution 2397 (2017) (see annex).



Annex to the note verbale dated 1 June 2018 from the Permanent Mission of Switzerland to the United Nations addressed to the Chair of the Committee

Report of Switzerland concerning the implementation of Security Council resolution 2397 (2017)

In accordance with paragraph 17 of Security Council resolution 2397 (2017) of 22 December 2017, Switzerland has the honour to provide the following information to the Security Council Committee established pursuant to resolution 1718 (2006) with regard to the implementation of the measures set out in resolution 2397 (2017).

On 25 April 2018, with a view to implementing the United Nations sanctions laid down in resolution 2397 (2017), the Swiss Federal Council (the Government) amended the ordinance instituting measures against the Democratic People's Republic of Korea.¹ The ordinance is based on the Federal Act of 22 March 2002 on the implementation of international sanctions (Embargo Act²).

Implementation of Security Council resolution 2397 (2017)

Paragraph 3

Switzerland is implementing the provisions of paragraph 8, subparagraphs (d) and (e) of resolution 1718 (2006) through articles 2, 9 and 10 of the ordinance. On 4 March 2016, the Swiss Federal Council adopted an ordinance on the automatic application of Security Council sanctions lists. All changes to those lists are thus directly applicable in Switzerland. To date, articles 2, 9 and 10 of the ordinance have been applied against 82 individuals and 75 entities.

Paragraphs 4 and 5

Switzerland is implementing the sanctions envisaged in paragraph 26 of resolution 2321 (2016) and in paragraph 14 of resolution 2375 (2017) through article 7 of the ordinance. The Security Council set new limits for the export of refined petroleum products and crude oil in paragraphs 4 and 5 of resolution 2397 (2017). Switzerland has updated article 7 of the ordinance accordingly.

Paragraph 6

Under paragraph 6 of resolution 2397 (2017), the import of food and agricultural products, machinery, electrical equipment, earth and stone, wood and vessels originating from the Democratic People's Republic of Korea is prohibited.

Switzerland is implementing the provisions of paragraph 9 of resolution 2371 (2016) through article 7b of the ordinance. Food and agricultural products have been added to the list by means of an addendum to that article and included in annex 7 of the ordinance. Furthermore, under the same article, acceptance of fishing rights from the Democratic People's Republic of Korea is prohibited.

Under new article 7c of the ordinance, the acquisition, purchase, import, transit and transport of machinery, electrical equipment and vessels originating in the Democratic People's Republic of Korea, as listed in new annex 8 of the ordinance, are prohibited.

¹ Available at the following site: www.admin.ch/opc/fr/classified-compilation/20161091/index.html.

² Available at the following site: www.admin.ch/opc/fr/classified-compilation/20000358/index.html.

Earth, stone and wood have been added to the list of raw materials in annex 4 and are thus subject to the prohibitions in article 7, paragraph 1, of the ordinance.

Paragraph 7

Under new article 5a of the ordinance, the sale, supply, export, transit and transport to the Democratic People's Republic of Korea of the industrial machinery, metals and transportation vehicles specified in annex 2a are prohibited. Under the same article, there is an exception from this prohibition for commercial civilian aircraft.

Paragraph 8

The provisions of new article 2 (b) of the ordinance govern revocation of residence permits of nationals of the Democratic People's Republic of Korea who are earning income, and exemptions from this measure on the basis of national or international law.

Paragraph 9

Since Switzerland is a landlocked country, it has not implemented the measures for inspection and seizure of vessels.

Paragraph 10

Since article 7 of the Embargo Act provides for administrative and legal assistance between the Swiss authorities and foreign authorities, Switzerland is able to exchange information with other Member States. Inclusion in the ordinance of a provision concerning the implementation of paragraph 10 of resolution 2397 (2017) is therefore unnecessary.

Paragraph 11

Switzerland is implementing the provisions of paragraph 22 of resolution 2321 (2016) through article 15, paragraph 6 of the ordinance. New paragraph 6 bis of the same article prohibits the provision of insurance or re-insurance services to vessels if there are grounds to believe that they have transported goods whose sale, supply, export or transit violate the ordinance, or that they have been used for activities prohibited by the ordinance. Exceptions for subsistence purposes or on humanitarian grounds have been added in article 15, paragraph 7.

Paragraph 12

Switzerland has not implemented the provisions of paragraph 24 of resolution 2321 (2016) because such registrations do not exist in Switzerland and in any case, under existing legislation, would not be authorized. Paragraph 12 of resolution 2397 (2017) could theoretically apply to ships flying the Swiss flag. New paragraph 8 of article 15 of the ordinance therefore allows the Swiss Government to de-register vessels registered in Switzerland. Moreover, article 9b prohibits the registration in Switzerland of ships which have been de-registered by another State.

Paragraph 14

Switzerland is implementing the provisions of paragraph 30 of resolution 2321 (2016) through new article 5a of the ordinance. Used vessels newly falling under resolution 2397 (2017) are also covered by the prohibition of the sale, supply, export, transit and transport to the Democratic People's Republic of Korea of the

transportation vehicles listed in annex 2a of the ordinance. Any exceptions to this prohibition would be implemented through paragraph 3 of the same article.

Paragraph 15

Since Switzerland is a landlocked country, it has not implemented the measures set out in paragraph 15 of Security Council resolution 2397 (2017).

Paragraph 16

Switzerland is implementing the provisions of paragraph 8 of resolution 2371 (2017) and paragraph 18 of resolution 2375 (2017) through article 7, paragraph 2 of the ordinance.

Paragraph 18

The possibility of seizing items found during inspections whose supply, sale, transfer or export is prohibited by the relevant Security Council resolutions is already envisaged in article 17, paragraph 1, of the ordinance.
